

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

STEVEN W. HOLLAND,

Plaintiff,

-vs-

Case No.: 1:15-cv-00306-HSO-JCG

KEESLER FEDERAL CREDIT UNION,

Defendant.

**PLAINTIFF'S RULE 56(d) MOTION IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, STEVEN W. HOLLAND (hereafter, "Plaintiff"), hereby files this Rule 56(d) Motion in Opposition to Defendant, KEESLER FEDERAL CREDIT UNION's (hereafter, "Defendant") Motion for Summary Judgment (Dkt. 42) and Memorandum of Law in Support Thereof (Dkt. 43), for the reasons fully set forth in Plaintiff's forthcoming Memorandum of Law in support hereof.

Due to the conduct of Defendant and its counsel during the discovery phase of this action, Plaintiff has had to file a Motion for Extension of deadlines (Dkt. 39), and Motion to Compel (Dkt. 58) to seek assistance from the Court in discovery matters. As of the date of the filing of this Motion, Plaintiff has still not received many of the essential discovery materials that would enable him to properly respond to Defendant's Motion for Summary Judgment (Dkt. 42) and Memorandum of Law in Support Thereof (Dkt. 43), which materials are within Defendant's exclusive possession and control. For this specific reason, Plaintiff cannot currently present facts essential to justify his opposition Defendant's Motion for Summary Judgment (Dkt. 42) and Memorandum of Law in Support Thereof (Dkt. 43).

For the reasons more fully set forth in Plaintiff's Memorandum of Law in support hereof, Plaintiff respectfully requests that this Court grant his Rule 56(d) Motion, and enter an order staying, or denying without prejudice, Defendant's Motion for Summary Judgment (Dkt. 42), with leave to reassert once the parties have concluded discovery, and once this Court has ruled on Plaintiff's Motion to Compel (Dkt. 58) and Defendant has provided any additional discovery materials subject to that ruling.

WHEREFORE, Plaintiff, STEVEN W. HOLLAND, respectfully requests that this Court enter an Order granting his Rule 56(d) Motion, and enter an order staying, or denying without prejudice, Defendant's Motion for Summary Judgment (Dkt. 42), with leave to reassert once the parties have concluded discovery, and once this Court has ruled on Plaintiff's Motion to Compel (Dkt. 58) and Defendant has provided any additional discovery materials subject to that ruling, and for such other relief as this Court deems just and proper.

Respectfully submitted this 20th day of September, 2016,

/s/David P. Mitchell

David P. Mitchell, Esq.

Admitted *pro hac vice*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2016, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send a notice of electronic filings via the Court's ECF system to all CM/ECF participants.

/s/David P. Mitchell

David P. Mitchell, Esq.